

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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VICTOR L. CORREIA,

Plaintiff,

v.

AMERIQUEST MORTGAGE COMPANY

Defendant.

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CIVIL ACTION NO. 05-11467-RCL

**JOINT STATEMENT FOR SCHEDULING CONFERENCE**

Pursuant to the Notice of Scheduling Conference dated August 23, 2005, and in accordance with Local Rule 16.1(D), plaintiff Victor L. Correia (“plaintiff”) and defendant Ameriquest Mortgage Company (“Ameriquest”) submit the following Joint Statement in connection with the scheduling conference to be held on October 5, 2005.

**I. Introduction**

This is an action alleging violations of the Truth in Lending Act, 15 U.S.C. § 1601 et seq., the implementing Federal Reserve Board Regulation Z, 12 C.F.R. part 226, the Massachusetts Consumer Credit Cost Disclosure Act, Mass. Gen. L. c. 140D, § 1 et seq. and 209 C.M.R. part 32. Plaintiff seeks rescission of his residential mortgage loan, and damages, due to Ameriquest’s alleged failure to indicate the date by which the rescission period expired on the notice of right to cancel form provided to plaintiff.

Ameriquest has filed an Answer denying liability with respect to the claims asserted in the Complaint. Ameriquest has also filed a counterclaim against plaintiff seeking a declaration that the plaintiff did not, and is not entitled to, rescind his mortgage loan with Ameriquest and

that alternatively, any such rescission should require a mutual exchange of monies and property by the parties through escrow.

## **II. Proposed Agenda for Scheduling Conference**

The parties propose the following scheduling deadlines set forth in Section III below be adopted by the Court and so ordered.

## **III. Parties' Proposed Pre-Trial Schedule**

### **A. Automatic Disclosures**

The parties will serve automatic required disclosures on or before: **October 1, 2005.**

### **B. Discovery Limitations**

The parties agree to the discovery limitations set forth in Local Rule 26.1(C) and propose the following deadlines for discovery and motions:

- Initial Disclosures: Initial disclosures, pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2(A) will be completed on or before: **October 1, 2005.**
- Discovery Period: The parties shall propound all written discovery on or before: **January 31, 2006.** The parties will complete fact depositions on or before: **May 1, 2006.**
- Experts: (a) The Plaintiff shall designate experts and serve expert reports on or before: **June 5, 2006.**  
  
                  (b) The Defendant shall designate experts and serve expert reports on or before: **July 31, 2006.**  
  
                  (c) The parties will complete all expert depositions on or before: **September 1, 2006.**
- Dispositive Motions: All dispositive motions shall be filed and served on or before: **October 6, 2006.** All oppositions and replies shall be filed and served in accordance with Local Rule 7.1
- Final Pre-Trial Conference: On or after: **November 15, 2006.**

- Trial: On or after: **December 2006.**

**IV. Trial By Magistrate**

The parties are not prepared at this time to consent to trial by a Magistrate Judge.

**V. Alternate Dispute Resolution**

The parties do not believe that this matter will be suitable for Alternate Dispute Resolution.

**VI. Certifications**

The parties will file their Certificates of Compliance with Local Rule 16.1 prior to or at the time of the scheduling conference.

Respectfully submitted,

VICTOR L. CORREIA

By his attorney,

*/s/ Christopher M. Lefebvre* (with permission)

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Christopher M. Lefebvre (BBO #629056)  
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AMERIQUEST MORTGAGE COMPANY

By its attorneys,

*/s/ Ryan M. Tosi*

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September 28, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2005, I served a true copy of the foregoing document by electronic filing upon the following:

Christopher M. Lefebvre  
CLAUDE LEFEBVRE,  
CHRISTOPHER LEFEBVRE P.C.  
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*/s/ Ryan M. Tosi*

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Ryan M. Tosi